IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

–

AND

–

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

–

–

WRIT PETITION NO. 2526 OF 2006

Dated : June 5, 2006

Between:

Dr. P.Srinivas

Petitioner

AND

The Government of Andhra Pradesh,

Represented by its Secretary,

Department of Medical, Health and Family Welfare,

Secretariat, Hyderabad, and others

Respondents

–

THE HONOURABLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 2526 OF 2006

ORDER:

(per The Hon'ble Sri Justice B.Prakash Rao)

Seeking to quash the order dated 23.9.2005 made in CA No. 698 of 2003 in O.A. No. 261 of 2003 along with CMA No. 57 of 2005, by the A.P. Administrative Tribunal, Hyderabad, the petitioner filed this writ petition.

The petitioner herein, who was superannuated on 31.8.2002 as Deputy Civil Surgeon, was denied notional promotion with effect from 1987 and Special Grade Increments were not released which were due in 1982, 1983 and 1991. It is also his case that no consequential benefits were paid and he was also not paid the wages for suspension period from 22.8.1981 to 21.12.1981 and, therefore, filed the above O.A., which was disposed of on 23.1.2003 directing the respondents to examine the case of the applicant for giving promotion in the cadre of Dy. Civil Surgeon with effect from 1997 and to confer all the consequential benefits including monetary benefits to which the petitioner is entitled to including the pension of the petitioner. But since the said order was not complied, the petitioner moved contempt application. Pending contempt, the petitioner was notionally promoted to the cadre of Dy. Civil Surgeon. Ultimately the first respondent issued GO Rt. No. 597 dated 6.6.2005 regularising the period from 9.12.1982 to 1.9.1985 as extraordinary leave. The Tribunal observed that since the orders of the Tribunal were complied with, no further enquiry is needed and consequently closed the contempt application.

The only grievance of the petitioner herein is that since the death cum retirement benefits, consequential promotion to the post of Civil Surgeon, which was due in the year 2001 as also other monetary benefits, were not settled, therefore, he is entitled to interest for illegally withholding the amounts, which was not adverted to while closing the contempt application

Admittedly, the Tribunal not has not adverted to the contention whether the petitioner is entitled to any monetary benefits, or not, in

view of the delayed payments, as contended by the petitioner. This court, sitting under Article 226 of the Constitution of India, cannot, delve on these aspects. Consequently, the writ petition is dismissed with a liberty to the petitioner to approach the Tribunal, for redressal of the grievances, if any. No order as to costs.

B.PRAKASH RAO, J.

RAMESH RANGANATHAN, J.

5th June, 2006

MAS.